

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re:** § **CASE NO. 08-35653-KRH**  
**CIRCUIT CITY STORES, INC., et al.** § **(Chapter 11)**  
§ **(Jointly Administered)**  
**Debtors.** §

**RYAN, INC. F/K/A RYAN & COMPANY'S WITNESS AND EXHIBIT LIST  
FOR HEARING ON MOTION TO RECONSIDER (DOCKET NO. 6955)**

RYAN, INC. f/k/a RYAN & COMPANY, Inc. (“Ryan”) respectfully files its *Witness and Exhibit List* with respect to the hearing on Ryan’s *Verified Motion to Reconsider (A) Order Denying Motion of Ryan, Inc. f/k/a Ryan & Company, Inc to Compel Debtor to Assume Executory Contract and (B) Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contract with Ryan, Inc* (Docket No. 6955) scheduled for hearing on April 29, 2010, at 2:00 p.m., in the above captioned case, as follows:

## **LIST OF WITNESSES**

1. Neil Fett
  2. Bruce Akerly
  3. Robert Marino
  4. Any witnesses designated and/or called by any party in interest

Bruce W. Akerly, Esq. Texas Bar No. 00953200  
Cantey Hanger LLP  
1999 Bryan Street, Suite 3330  
Dallas, Texas 75201  
(214) 978-4129 Telephone  
(214) 978-4150 Facsimile  
ATTORNEYS FOR RYAN, INC.  
F/K/A RYAN & COMPANY, INC.

Robert M. Marino, Esq. VSB #26076  
REDMON PEYTON & BRASWELL LLP  
510 King Street, Suite 301  
Alexandria, Virginia 22314  
(703) 684-2000 Telephone  
(703) 684-5109 Facsimile  
LOCAL ATTORNEYS FOR RYAN, INC.  
E/K/A RYAN & COMPANY, INC.

**LIST OF EXHIBITS**

1. Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. to Compel Debtor to Assume Executory Contract filed November 13, 2009 (Dkt. No. 5648)
2. Debtors' Objection to Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. to Compel Debtor to Assume Executory Contract filed March 5, 2010 (Dkt. No. 6695)
3. Objection of Ryan, Inc. f/k/a Ryan & Company, Inc. to Confirmation of First Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors-In-Possession and its Official Committee of Creditors Holding General Unsecured Claims, filed November 13, 2009 (Dkt. No. 5647)
4. Debtors' Eighth Omnibus Motion for Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contracts, filed January 28, 2010 (Dkt. No. 6416)
5. Ryan, Inc. f/k/a Ryan & Company, Inc.'s Response to Debtors' Eighth Omnibus Motion for Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contracts, filed February 10, 2010 (Dkt. No. 6506)
6. Notice of Agenda of Matters Scheduled for Hearing on March 8, 2010 at 11:00 a.m. (Eastern) (Dkt. No. 6696)
7. Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. for Permission to Attend and Participate Telephonically at March 8, 2010 Omnibus Hearing, filed February 13, 2010 (Dkt. No. 6531)
8. Order Granting Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. for Permission to Attend and Participate Telephonically at March 8, 2010 Omnibus Hearing, entered February 26, 2010 (Dkt. No. 6665)
9. Order Denying Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. to Compel Debtor to Assume Executory Contract, entered March 11, 2010 (Dkt. No. 6796)
10. Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contract With Ryan, Inc., entered March 12, 2010 (Dkt. No. 6804)
11. Verified Motion to Reconsider (a) Order Denying Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. to Compel Debtor to Assume Executory Contract and (b) Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contract With Ryan, Inc. (Dkt. No. 6955)
12. Debtors' Objection to Verified Motion to Reconsider (a) Order Denying Motion of Ryan, Inc. f/k/a Ryan & Company, Inc. to Compel Debtor to Assume Executory Contract and (b) Order Pursuant to Bankruptcy Code Sections 105(a) and 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contract With Ryan, Inc. (Dkt. No. 7256)
13. Excerpted Transcript of Hearing Before Honorable Kevin R. Huennekens, United States Bankruptcy Judge (Hearing Date: March 8, 2010)
14. Engagement Letter dated June 8, 2005, between Circuit City Stores, Inc. and Ryan & Company

15. Any exhibit designated by any other party-in-interest

Ryan requests that the Court take judicial notice of all pleadings filed in this case. Fed. R. Evid. 201. Ryan also reserves the right to offer and/or introduce any evidence (oral or documentary) for the purpose of rebuttal or impeachment.

Dated: April 26, 2010.

Respectfully submitted,

/s/ Bruce W. Akerly

Bruce W. Akerly, Texas Bar No. 00953200  
CANTEY HANGER LLP  
1999 Bryan Street, Suite 3330  
Dallas, Texas 75201-3100  
(214) 978-1429 Telephone  
(214) 978-4150 Facsimile  
ATTORNEYS FOR RYAN, INC. F/K/A  
RYAN & COMPANY, INC.

and

/s/ Robert M. Marino

Robert M. Marino, VSB #26076  
REDMON PEYTON & BRASWELL, LLP  
510 King Street, Suite 301  
Alexandria, VA 22314  
(703) 684-2000 Telephone  
(703) 684-5109 Facsimile  
Email: rmmarino@rpb-law.com  
LOCAL ATTORNEYS FOR RYAN, INC.  
f/k/a RYAN & COMPANY, INC.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing pleading was served by electronic submission on those registered to receive same and by overnight delivery to the following on this 26<sup>th</sup> day of April, 2010:

Gregg M. Galardi, Esq.  
Ian S. Fredericks, Esq.  
Skadden Arps Slate Meagher & Flom LLP  
One Rodney Square  
P.O. Box 636  
Wilmington, Delaware 19899-0636

Charles L. Dickerson, Esq.  
Skadden Arps Slate Meagher & Flom LLP  
155 North Wacker Drive  
Chicago, Illinois 60606

Dion W. Hayes, Esq.  
Douglas M. Foley, Esq.  
McGuireWoods LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219

/s/ Bruce W. Akerly  
Bruce W. Akerly